IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 31859 of 2007(P)

PETITIONER:

K.R. VIJAYAN, HEALTH INSPECTOR GRADE I,
KANHANGAD MUNICIPALITY, KANCHANGAD P.O.,
KASARGOD DISTRICT.

BY ADV. SRI. BABU KARUKAPADATH
SMT. M.A. VAHEEDA BABU

RESPONDENTS:

1. **THE SECRETARY,**
   CORPORATION OF KOCHI,
   ERNAKULAM.

2. **THE FINANCE STANDING COMMITTEE,**
   KOCHI CORPORATION, ERNAKULAM, REP. BY ITS CHAIRMAN.

3. **THE SECRETARY,**
   KANHANGAD MUNICIPALITY,
   KANHANGAD, KASARGOD DISTRICT.

BY SRI. S. RAMESH BABU, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

WP(C) No. 31859 of 2007

Dated, this the 26th day of October, 2007

J U D G M E N T

The petitioner, who is working as Health Inspector Grade I in the Kanhangad Municipality at present, was earlier functioning in the same capacity in the Kochi Corporation. On excessive use of telephone, proceedings were initiated for recovery of the said excess amount, allegedly incurred by him as telephone charges. Ext.P5 order is passed by the Secretary, Kochi Corporation on 07/06/2006 holding that the petitioner is liable to refund an amount of Rs. 12,341/-. Apparently, petitioner was not served with a copy of Ext.P5 at that point of time. According to the petitioner, he came to know, only when he received Ext.P9 communication on 11/10/2007. Learned counsel for the petitioner submits that petitioner is aggrieved by Ext.P5 & P9 and proposes to challenge the same before the Government.

2. Having heard the learned counsel for the petitioner and the learned Standing Counsel for the Corporation, this writ petition is disposed of in the following terms:-

(1) Petitioner may, if so advised, prefer an appeal / revision against Ext.P5 within a period of two weeks from today. If it is so

filed, it may be treated as within time by the appropriate authority.

(2) After hearing the petitioner an order may be passed on such appeal / revision within two months thereafter. Pending such orders, recovery pursuant to Exts.P5 & P9 may be kept in abeyance.

This writ petition is disposed of as above.

(V.GIRI, JUDGE.)

jg